

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

JOYCE A. McGEE)	
Claimant)	
VS.)	
)	Docket No. 169,178
BEECH AIRCRAFT CORPORATION)	
Respondent)	
Self-Insured)	
AND)	
)	
WORKERS COMPENSATION FUND)	

ORDER

Claimant appealed the Award dated December 9, 1997, entered by Assistant Director Brad E. Avery. The Appeals Board heard oral argument in Wichita, Kansas, on June 12, 1998.

APPEARANCES

Dale V. Slape of Wichita, Kansas, appeared for the claimant. Terry J. Torline of Wichita, Kansas, appeared for the respondent. Vincent L. Bogart of Wichita, Kansas, appeared for the Workers Compensation Fund.

RECORD AND STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

ISSUES

The Assistant Director denied claimant's request for benefits after finding that claimant failed to prove she injured her back at work on August 6, 1992. Claimant appealed that finding and alleges she hurt both her leg and her back on that date when she caught a falling part with her right ankle and jarred her back.

Claimant acknowledges that she returned to work at a comparable wage and asks for permanent partial general disability benefits based upon a functional impairment rating of between 6 and 8 percent. Although respondent stipulates that Ms. McGee sustained a work-related accident on August 6, 1992, the company denies that she sustained any permanent injury or impairment as a result of that incident.

The only issue before the Appeals Board on this review is the nature and extent of claimant's injury and disability.

FINDINGS OF FACT

After reviewing the entire record, the Appeals Board finds as follows:

(1) The parties stipulated that claimant, Joyce A. McGee, sustained personal injury by accident arising out of and in the course of employment with the respondent, Beech Aircraft Corporation, on August 6, 1992. On that day Ms. McGee was moving parts when some of them fell and she tried to catch them with her right ankle. As indicated above, however, Beech denies that Ms. McGee sustained any permanent injury or impairment as a result of that accident.

(2) After that incident Ms. McGee completed her shift and also worked the next day, which was a Friday. Ms. McGee did not work on either Saturday or Sunday. According to the history she provided her chiropractor on August 10, 1992, while at home on Sunday she bent over to reach into her refrigerator and experienced severe pain in her low back and right hip.

(3) The Assistant Director found that Ms. McGee failed to prove she injured her back on August 6, 1992. The Appeals Board agrees with that finding and conclusion. In addition to the information she provided her chiropractor, shortly after the accident at work Ms. McGee also told Beech's workers compensation program manager that she had experienced back symptoms only for approximately one-half hour immediately following the incident and she did not experience any additional problems with her back until the refrigerator incident on Sunday, which ultimately compelled her to seek treatment.

CONCLUSIONS OF LAW

Having found that Ms. McGee has failed to prove she sustained either injury or impairment as the result of the August 6, 1992 work-related accident, the Assistant Director's Award denying Ms. McGee benefits should be affirmed.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award dated December 9, 1997, entered by Assistant Director Brad E. Avery should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dale V. Slape, Wichita, KS
Terry J. Torline, Wichita, KS
Vincent L. Bogart, Wichita, KS
Brad E. Avery, Assistant Director
Philip S. Harness, Director